

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Douglas B. McKnight (Reg. No. 50,447) on Thursday October 22, 2009.

The application has been amended as follows:

*In the claims:*

Claim 7. The method as claimed in claim 1, wherein the ~~combination of the pixels in~~ forming of the at least one pixel group is performed by means of the watershed transformation which comprises the following steps: forming a gradient image data set in which each pixel is assigned a gradient image value which corresponds to the difference between the image value of this pixel in the primary image data set and the image value of the pixels surrounding this pixel; and defining the pixel group by defining a gradient image region of neighboring pixels which are separated from one another by a local maximum of the gradient image values.

**Comments**

*Claim Rejections under 35 U.S.C. § 112*

2. With respect to claim 9, Applicant did not address the claim rejection under 35 U.S.C. § 112, first paragraph on the Amendment After Final filed on October 6, 2009. However, upon further reconsideration the claim rejection has been withdrawn.

**Conclusion**

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSE M. TORRES whose telephone number is (571)270-1356. The examiner can normally be reached on M-F: 10:00am-6:00pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (571)272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

Application/Control Number: 10/533,648

Page 4

Art Unit: 2624

USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew W Johns/  
Primary Examiner, Art Unit 2624

/Jose M. Torres/  
10/22/2009  
Examiner, Art Unit 2624